

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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★ NOV 3 2005 ★

BROOKLYN OFFICE

In re request for leave to file
by HERMAN CARLEE McMILLIAN

ORDER
05-MC-197 (JG)

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JOHN GLEESON, United States District Judge:

By order dated May 20, 2005, I prohibited plaintiff from filing any future *in forma pauperis* complaints in this Court without first obtaining leave. McMillian v. Johnson, et al., No. 05-CV-1562, slip op. at 2 (E.D.N.Y. May 20, 2005). On July 15, 2005, plaintiff filed a motion for leave to file two complaints which I denied by order dated September 1, 2005. In re request for leave to file by Herman Carlee McMillian, No. 05-MC-197 (JG), slip op. at 2 (Sept. 1, 2005). I further ordered plaintiff that unless he demonstrates that he is under imminent danger of serious physical injury, any *in forma pauperis* complaint filed by him in this district shall be barred by the “three strikes” provision. Id. (citing 28 U.S.C. § 1915(g)).

On October 3, 2005, plaintiff filed a new motion for leave to file a complaint. The motion fails to demonstrate that plaintiff is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g). Accordingly, the motion for leave to file is denied. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

s/John Gleeson

JOHN GLEESON, U.S.D.J.

Dated: 10-19-05
Brooklyn, New York